

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

BLACKBERRY BOTANICALS dba
BLACKBERRY SPRINGS FARM,
NEAL LAFERRIERE,
ELIZABETH LAFERRIERE,
ION MOCCO,
A.L., a minor,
A.L., a minor,
N.L. II, a minor,
Through their parents and
next of friends and
MATTHEW P. HALE,

Plaintiffs,

v.

Civil Action No.: 5:19-cv-00182

EQUITRANS MIDSTREAM CORPORATION,
MOUNTAIN VALLEY PIPELINE, LLC,
US TRINITY ENERGY SERVICES, LLC,
SWANSON GROUP AVIATION, LLC, and
AG MAX, LLC

Defendants.

REPORT AND RECOMMENDATION OF GUARDIAN AD LITEM

Now comes Michael R. Whitt ("the gal"), and offers the following report and recommendations to aid the Court in considering whether to approve the proposed settlement in this case and the proposed disbursement of settlement funds to the minor children at issue in this case. For the reasons stated herein, the gal recommends that the Court approve both the total proposed settlement and the disbursements to the children proposed in the Petition:

1. In considering the recommendations made herein, the gal has reviewed all filings and has spoken on several occasions with Petitioners' counsel. Moreover, the gal met with Petitioners and all three minor children, A. L., A. L., and N. L. II by Zoom teleconferencing due to limitations on "in person" contact imposed by the pending pandemic.

2. After considering the foregoing, the gal believes that the total settlement is fair and reasonable to the children given their injuries outlined in the Petition, specifically, the Petition recites and the parties confirm that the children suffered minor abrasions due to the conduct of the defendants giving rise to the underlying litigation. None of the children incurred any medical treatment. None of the children suffered any permanent injury. In fact, all three (3) children have fully recovered from any physical or emotional injury.

3. The Petitioners and the children have been ably represented by competent counsel in this matter. Accordingly, the gal recommends that the Court approve both the claimed contingency fee and litigation expenses as proposed in the Petition.

4. The gal recommends that each child receive the amount requested in the Petition. The gal believes that the proposed division of settlement funds outlined in the Petition is fair and reasonable given the minor injuries suffered by the children compared to the greater injuries suffered by their parents.

5. The gal recommends that each child's settlement funds be placed in a federally insured interest earning account or financial instrument and that said funds not be available to the children until the particular child has reached age eighteen (18). The Petitioners and all three (3) children voiced an understanding of this requirement.

6. The gal recommends that Petitioners be authorized to execute full and final releases forever discharging all of the defendants from any further liability in this case. The Petitioners and all three (3) children voiced an understanding of the results of a release or releases authorized by this Court in this matter.

Certificate of Service

I, Michael R. Whitt, certify that the foregoing document was served on all counsel by utilizing the Court's electronic filing system on this 12th day of May, 2020.

Respectfully submitted.

/s/ Michael R. Whitt
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